

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MARION

CRYSTAL CHADWELL,)	
)	Case No.: 19CV01140
Plaintiff,)	
)	GENERAL JUDGMENT FOR
vs.)	DECLARATORY RELIEF AND
)	MONEY AWARD
STATE FARM MUTUAL AUTOMOBILE)	
INSURANCE COMPANY,)	
)	
Defendant.)	

THIS MATTER coming before the court on September 26, 2019, for hearing on defendant's Motion for Summary Judgment, and plaintiff's Cross-Motion for Summary Judgment, Hon. Audrey Broyles presiding. Plaintiff, Crystal Chadwell, appeared by and through her attorney, Jonathan Hess. Defendant, State Farm Mutual Automobile Insurance Company ("State Farm"), appeared by and through its attorneys, Ralph C. Spooner and David E. Smith.

The court granted defendant's Motion for Summary Judgment, and denied plaintiff's Cross-Motion for Summary Judgment and entered an Order to that effect.

This matter now coming on for entry of judgment, now therefore,
IT IS HEREBY ORDERED AND ADJUDGED that the following language found in the State Farm policies, numbered 328 4584-C27-37, 051 8986-C03-37K, and 019 2281-B03-37G, unambiguously limits the damages due to plaintiff for

1 underinsured motorist benefits under the these three policies to \$25,000, the single
2 highest applicable limit provided by any one of the policies:

3 **If Other Uninsured Motor Vehicle Coverage of Any
Kind Applies**

4 1. If Uninsured Motor Vehicle Bodily Injury and Property
5 Damage Coverage provided by this policy and Uninsured
6 Motor Vehicle Coverage of any kind provided by one or
7 more other vehicle policies issued to *you* or any *resident*
relative by the *State Farm Companies* apply to the same
bodily injury or *property damage*, then:

- 8 a. such Uninsured Motor Vehicle Coverage limits of
9 such policies will not be added together to
10 determine the most that may be paid; and
11 b. the maximum amount that may be paid from all
12 such policies combined is the single highest
13 applicable limit provided by any one of the policies.
14 *We* may choose one or more policies from which to
15 make payment.

16 IT IS FURTHER ORDERED AND ADJUDGED that the above-
17 referenced language is enforceable under Oregon law.

18 IT IS FURTHER ORDERED AND ADJUDGED that, because State
19 Farm has already paid \$25,000 to plaintiff for underinsured motorist benefits under the
20 three State Farm policies referenced above, State Farm has no further obligation to pay
21 underinsured motorist benefits to plaintiff regarding injuries she sustained from the
22 January 7, 2017 motor-vehicle accident.

23 IT IS FURTHER ORDERED AND ADJUDGED that plaintiff's
24 Complaint against defendant is dismissed with prejudice and plaintiff is not entitled to
25 Judgment against defendant.

IT IS FURTHER ORDERED AND ADJUDGED that defendant is
entitled to Judgment for a Money Award for its costs and disbursements against
plaintiff as set forth below:

MONEY AWARD
(Costs and Disbursements Only)

1. Judgment Creditor:

Defendant, State Farm Mutual Automobile Insurance Company
in care of attorney
Ralph C. Spooner,
Spooners & Much, P.C.
530 Center Street, NE, Suite 712
Salem, OR 97301, (503)378-7777

2. Judgment Creditor's Attorney:

Ralph C. Spooner
Spooners & Much, P.C.
530 Center Street NE, Suite 712
Salem, OR 97301, (503) 378-7777

3. Judgment Debtor:

Plaintiff, Crystal Chadwell

[REDACTED]

4. Judgment Debtors' Tax Identification Number:

[REDACTED]

5. Judgment Debtors' Driver's License:

[REDACTED]

6. Judgment Debtors' Attorney:

Jonathan Hess
Adams Hill & Hess
339 Washington St SE
Salem, OR 97302, (503) 399-2667

7. Interest:

Post Judgment Interest accrues at the statutory simple interest rate of
9% per annum from the date of the entry of the judgment.

///

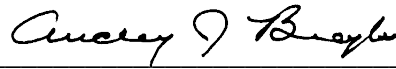
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8. Costs and Disbursements:

\$1,010.00 to be entered by the clerk pursuant to ORCP 68C as set forth in Defendant State Farm Mutual Automobile Insurance Company's Statement of Costs and Disbursements.

Signed: 12/13/2019 08:40 AM



Circuit Court Judge Audrey J. Broyles

Judgment prepared by:
Ralph C. Spooner, OSB# 732880
Attorney for Defendant State Farm
Mutual Automobile Insurance Company
E-mail: rspooner@smapc.com
Fax: (503) 588-5899

CERTIFICATE OF SERVICE

I hereby certify that, on the date set forth below, I served a copy of the foregoing

GENERAL JUDGMENT FOR DECLARATORY RELIEF AND MONEY AWARD with

CERTIFICATE OF READINESS on:

Jonathan D. Hess, OSB No. 012865
Adams, Hill, & Hess
339 Washington St. SE
Salem, OR 97302
Fax: 503-399-2667
E-mail address: jon.hess@adamshillhess.com
Attorney for *Plaintiff*

- ☒ by serving a copy through Odyssey File & Serve with consent of counsel;
- ☒ by emailing a copy to said attorney at the above email address with consent of counsel;
- ☐ by mailing a copy in a sealed, first-class, postage prepaid envelope, addressed to said attorney at the above address and deposited in the U.S. Mail;
- ☐ by sending a copy via overnight courier in a sealed, prepaid envelope, addressed to said attorney at the above address;
- ☐ by faxing a copy to said attorney at the above fax number; and/or
- ☐ by hand-delivering to said attorney.

DATED this 5th day of December, 2019.

s/ Ralph C. Spooner
RALPH C. SPOONER, OSB# 732880
Attorney for Defendant
E-mail: rspooner@smapc.com
Fax: (503) 588-5899

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FOR THE COUNTY OF MARION

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Plaintiff,

vs.

STATE FARM MUTUAL AUTOMOBILE
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Defendant.

Case No.: 19CV01140

CERTIFICATE OF READINESS

Pursuant to UTCR 5.100, I hereby certify that the form of Judgment submitted herewith is ready for judicial signature because plaintiff's attorney has stipulated to the form of Judgment in writing.

DATED this 5th day of December, 2019.

s/ Ralph C. Spooner
RALPH C. SPOONER, OSB# 732880
Attorney for Defendant
E-mail: rspooner@smapc.com
Fax: (503) 588-5899